A ciuile nos-
gay wherin is contayned
not onelye the office and
dewty of all magestrates
and Judges but also of
of all subiectes with a
preface concernynge
the lyberty of Ju-
stice in this our
tyme newly
collec-
ted and gethered out of
latyn and so transla-
ted in to the Ing-
lyshe tonge by.

J. G.

Onsiderynge howe in these our dayes GOD hathe wrought, and dayly worketh suche wonderfull & blyssed thynges, as by many many yeares before, the lyke hath not ben sene, nor harde of, godith and pricketh me to reioyce and say with that diuine phyloſopher Plato. Tunc beatus et felix censendus est totus orbis terrarum cum sapientes efficuntur reges, aut reges efficuntur sapientes. Euery man he sayth ought then to Judge and thynke all the worlde to be blyssed and happye when wyse men be made Kynges, rulers, and gouernoures, or Kynges, rulers, and gouernoures, be made wyse. The Philoſopher, Euripides sayth that by the company of wyse men Princes be made wyse. The roote of wysdome is to feare god, and the braunches thereof be of longe lyfe. No doubte a wyse harte, and that hath vnderstondyng wyll abstayne from yll dedes, and in workes of Justyce his

purpose shall prospere, was it not a wonderfull acte, the great thraldome the intollerable charges and the myserable seruytude and bondage that we be exoneratyd and delyuered of, from the babylonicall strumpet, whereby the fredome and lyberty of goddes woorde so longe sepulted and hydden from vs is nowe come to lyght. And yet wonderfull was that most valiaunt and victorious succumbynge of Frenshemen at Bullogne, and the wynnyng of the same imaculate & mayden towne, with sondery ouerthrowes of the Skottes. But most wonderfull thynge of all is the restitucion out of bondage to lyberty of so rare so mysghty so blyssed & Beautyfull a person, of all people so longe optatyd, wysshed and loked for, whose outwarde kepers and watchemen this many many yeares hath ben, Mars, of the inwarde chamber lune, & of the verye priuye chamber, Sol, Although the frayle & benynge hart and stoute make of the sayd most gracious perso-

nage was alwayes indeferent to ryche and poore yet without great oblacion and ſacrifyce made and done to the ſayde keepers, no man coulde optayne any benefyt, who knoweth not? howe that Amerous perſons Juſtice ha:the this many yeares bene detayned, kept, and locked from the people: who could entre in at the ſtreate gates (where ſhe was) ſo fortely barred with yron and ſhet vp with ſtronge lockes without re warde or brybe / who myght come nere to the great chamber, vnles the cuſtos of the dore dyd fele a portion of ſyluer. And as aboute the preuy chamber, the attendaūtes and wayters vpon the gouernour of the ſayd ioyfull and beautifull perſon Juſtice, were ſo ornated & apparelled with chaynes, rynges, outcheſes, and peces of Golde, that ſhe by them was ſo dyſgyſed, her ſyghte ſo dymmed, her countenaunce ſo ſulphurated that in a maner ſhe was knowen to no body. The poore for lacke of lin nes helpe ſtode a farre of / The ryche

by the assystaunce of Sol, Allwayes came nere, labour and frendshyppe of great persons passed all, sometyme, affection gouerned Justice and not Justice affection / And sometyme by the dictes and sayinges of the lawe so craftely wrested, Justice beare no rule, but nowe, sence that the princes and gouernours came to the the knoweledge of gods worde, and the feare of God before theyr eyes, this blyssed person Justice is alytyll restored to here pristine lybertie, the braunches of mars begyn to slyp / The gates be now wyde open the gardens of the great chamber, can not now abyde the breth of lune / And all other attendaunces about the prevy lodge of the sayde most ioyfull parson, loueth the splendaunt and flatterynge countenaunce of Sol, As they do the detestable loke of mors Affection is exyled. The poore with the ryche be harde a lyke / The bolde steryng and supportyng of great men is drowned. The delayes of lawers with trackynge of

ry meth matters be abholyshyd / The
wordes of god by his seruaũt Moyses,
be hard and obeyed, here he sayth, Iud
ge that is ryght be he cytesyn or straun
ger there shall be no dystaunce of per-
sons, here as well the lytell ones as the
great Iudge the people by Iust Iud-
gement declyne not to any parte, nor
take rewardes, for they exececate and
blynde the eyes of the righteous. Euer
lastynge wo. sayeth Isayas shall be to
them that maketh vnryghtwyse lawes
and do wryte agaynst Iustice / to the
entent that they wyl oppresse poore me
by Iudgement, and violently subuert
the cause of the people / In the path of
Iustice sayth Salomon, is lyfe the
way that turneth there from, ledeth to
deathe / The fundacion of perpetuall
prayse and renowne. sayth Tully, is
Iustice without the which nothyng is
comendable / The Ecclesiast. sayth the
glory of a good man is to do Iustice,
accordyng to the Iudge of the people,
so is this offycers suche as be rulers of

a cittie, ſuche be the comons ſayth Sallamon/ The fame of ỳ myghty Emperour Juſtiniane for well gouernynge the publyke wel by his ſage & temperate Juſtiniars Belliſarious & Narceites is immortall. The thebanis to ỳ ppetual prayſe of Juſtice paynted theyr kyng Theba to ſyt in his kingly eſtate within the counſeill houſe and on eche ſyde of hym a ſenator hauyng tronked handes/ In token that iudges neyther for rewardes nor yet for fauoure of great men ought to oppreſſe verytie. Dauid Salamon, and Daniell, for theyr iudgementes be daply cõmemorated in holy ſcripture/ the one for gyuynge iudgement agaynſt the ryche man hauyng many ſhepe, & yet toke from the poore man his one ỳe ſhepe/ The other for Judgyng betwene .ii. harlottes contendyng for ỳ chylde. And the .iii. for delyuerynge the vertuous Innocẽt Duſanne out of the handes of .ii. wycked prieſtes, Judge true Judgement, ſayth zacarie, vſe and occupye marſie euerye

one of you with any other, verytie and
iudgement of peace iudge you in your
partes.&c. Christe sayethe, as you do
Judge, so shall you be iudged, & euen
as you do measure to other, so shall it
be measured to you. That most famous
kynge Henry the.viii. In his boke cal
led the doctrine of a Christian man. vp
pon the exposycion of the.vi. and.x.
commaundement: teacheth and com-
deth howe Judges ought not to gyue
sentence contrarye to that whiche they
knowe to be true, and that in Judge-
ment they do not hyde and suppresse
the truth, and that no Judge seyng no
suffycient matter or cause of death or
vpon lyght tryal without sufficient ex
amination & discussion gyue sentence
of deth, or when the matter or cause of
death is sufficient, and the tryall good:
yet that he delyte not in the death of y
person. All writers of worthy memory
haue not forgotten to extole and sette
forth the magnyfycensy of Justice: as
the well spryng is, so is the water, that
is

is deryued and runneth therfro.
The chyfe Lordes therfore and mage-
ſtrates of the comon wele, not forget-
tyng howe that moſt mercyfull prynce
Kynge henry the. viii. dyd conſtytute
them as a lyght & ſpectacle to all other
his mageſtrates and Juſticiates thor-
roughout this his realme and dominy-
ons, haue not emitted to do acordyng
to their vocacion, and as to all perſones
it is apparant, ſo it is not forgotten,
eyther in theyr hartes or in theyr dayly
talke, mucke reioyſynge that men of
gods knowelege be plaſyd to remes iu-
dicial, whoſe godly and christian proce-
dynge therein, ſhall not onely be to the
hygh honour and glory of god, and to
there great laude & renoume, but alſo a
generall cõfort to al good christian har-
tes, & a contynuall thanke fulnes both
of olde and yonge, vnto god. Notwith-
ſtandyng the ſhoborne and ſtyffnecked
ye, dampnable rebellions, of a certayne
of our owne country. Therfore this.
xxvi. yeares & more, toſſyng and tum-

belyng: both in the ſpirituall and temporall courtes: there much notynge as well the iuſtnes as the enormites of ỹ mageſtrates and Judges: and of late, hauynge come in to my handes a boke of Phyllyp Melanctons called. Epitome Philippi Melãctonis, ſuper morali philoſophia. Thought it not vnprofytable to collect & pycke out heare and there, and the ſame to tranſlate in to the Inglyſhe tonge certaine ſayingꝭ very fruytfull and neceſſary for euery e Chriſtian mageſtrate & Judge whiche boke I cõmit vniuerſally to the whole cõgregacion of mageſtrates, although I might worldly cõmend it to ſome by name, there induſtry & payneful trauel cõcernig Juſtice is ſo expertely declared But becauſe I ſhuld not ſeme to be like the dayly pycthãkꝭ, ye diſſimulers that doth eppiſcate and vigilantly gapeth for preferment by flatterye wyll that omit, prayng to the lyuyng god that all mageſtratꝭ may ſo miniſter in theyr callyng as it maye be to the honoure and

glory

glory of God, to whom be all prayse, nowe and euer. Amen.

¶ The contentes of this boke.

In the fyrst Chapiter, what is feare and what is Justice.

¶ In the .ii. the kyndes of Justice and howe offices shulde be gyuen and dystrybuted.

¶ In the .iii. what is the lawe of nature, and the positiue lawe.

¶ In the .iiii. it is a deadlye synne to violate the ciuil lawes that is to say the dictes of ciuill magestrates.

¶ In the .v. what is to take the swoorde.

¶ In the .vi. what is the power or auctoryte of the magestrates.

¶ In the .vii. what is the dyuersyte betwene the rigore of the law and equite.

¶ In the .viii. howe equite and howe a meane shulde be in our doinges.

¶ In the .ix. whether a Judge ought to iudge accordyng to equite or accordynge to the lawe wrytten.

¶ In

¶ In the. v. what ygnorannce excuſeth offence.
¶ In the. vi. what be voluntary offences and not voluntntary offenſes.
¶ In the. vii. whether it be leſul for pryuate perſone to kyll tyrans, that is to ſay cruell offycers.
¶ In the. viii. what is the temporall power and ſpiritual power.

¶ What is feare, and what is Justyte.

Relygion comprehendyth .ij. thynges the fere of God, and the truste of mercy promysed for Christe wherof holly letters dothe copynsly teathe, and Philosophy nothynge, but reason amonge all persons doth iuge, there is a wyse god, a good, a rightwise maker and conseruator of thynges, and that paynes be to be fearyd, wherby flagicious and synfull dedes be ponyshed frō aboue. This knowledge of the Lawe bryngeth forth and engenderyth feare, and therfore feare is called a Relygious thynge. For almothe therfore I do entende spedefully to speake of those vertues, wherof the Philosophers chifely do dispute and wh[i]

Relygion.

the

che we ble towarde men, I muſte
Iuſtice. therfore begynne at the Quene of
vertues whoſe name is Iuſtyce,
of whom truely Ariſtotile wryterh
on this maner. Nother Heſperus
nor Lucifier is more beautefull
then Iuſtyce, for ſhe gouernyth al
other vertues, and ſhe is the cheke
bonde of Ciuille ſociety and gen-
erally ſhe ſignyfieth obedyence to-
warde all lawes, and conteyneth
in her all vertue, and when holye
ſcripture ſpeaketh of Iuſtyce, obe
dyence towarde all lawes ought
to be vnderſtande. Secondely Iu
ſtyce ſignyfieth onely that vertue
whiche in Iudgementes & cõtrac
tes geuyth to euery mã his owne
Thyrdly Iuſtyce in Paules diſpu
tacions ſignyfieth imputacion of
Iuſtice, or a diuine acceptacio, as
whan it is ſayde, it is imputed to
hym for Iuſtyce. But of this ſig-

nyfi-

nyfication the Philoſophers doo ſpeake nothynge, becauſe dyuers ſignyfications conteyne dyuerſe kyndes, and that there be no more ſignyfications thenne thoſe thre, there diuyſion therfore in the begynnynge is to be declared.

¶ The diuyſion, or kyndes of Juſtyce be. ij.

THe fyrſt is vniuerſall Juſtyce, whiche Ariſtotile deſcribeth briefely ſayeng vniuerſall Juſtyce is obedyence towarde all Lawes, and complectyth in her all vertues, therfore the name of Juſtyce is tranſferyd generally to the whole quere of vertues, becauſe dewe obedyence is rendred, eyther be Lawes, or els be magiſtrates Particuler Juſtyce is a vertue that gyueth to euery man his owne of whi=

Vniuerſalis Juſticia

Particularis. Juſticia

whiche vertue, there be .ij. kyndes distributyue and cõmunatiue whi chekyndes because we may rig ȝt fully vnderstande that the whole cõmon wele and vnyuersall socia te of men ought to be lokyd on in our myndein the vnyuersiall socia te of mannes lyfe, there be onely .ij. kyndes oȝ maners of cõmuny- cacyon Foȝ eyther we doo cõmu- nycate, oȝ els we doo commute thynges, oȝ els we ordre persons, as that empyres, Magistrates, degrees in cyties in companyes & infamyles maye be constytuted & ordenyd here vnto man dothe not se that al the sociate of lyfe, be the se .ij. membȝes be to be gouernyd thynges be cõmuted & chaunged be contractes, and when this cõ- municacion, whiche is made foȝ cause of lyuyng wandȝeth infinit lye, it is necessarye that there be

therein

therin an equalite, that is there be rendred or gyuen equal for equall, for yf any men shulde gyue theyr thynges without price, they shulde perysshe by hunger, then there should be no dayly cõmunication. for yf ther were not one thyng gyuen for another there coud be no cõmunicatiõ, Justice distributyne is an ordenaunce of persons in euery lyfe publike & priuate according to a geometrical proporcion, as who sayth wherby degres of offices & persons be ordayned and made, & to apte and mete persons functions of thynges be gyuen as in the churche the chife degre is the Judgement and explycacion of doctrine. The second degre is thadministracion of Judgementes. The thyrde is thadministracion of ceremonies. The last and lowest is

Justice distributyne.

Degres in the churche.

the pꝛocuracion of rentes, bíledin
ges, elemoſynes, and ſuche other
to euery whiche maner of degres,
apte & mete perſõs muſt be ſough
te foꝛ, foꝛ the iudgemẽt of lernyng
the beſt lerned, moſt wyſeſt, & beſt
men ought to be electe & choſẽ. In
thother, there is not ſomoch lernĩ
ge to be required. In ỹ pꝛocuratoꝛ
of rentes & ſuch other no doctrine
is to be required. whẽ this pꝛopoꝛ
cion is obſerued the oꝛdenãce is
iuſt & ryghteous & tharmony of the
church ſalutarius & holſome, but
whẽ the chiefe auctoꝛite to iudge
doctrine is attributid to an vnler
ned & a wicked byſſhop, that contẽ
pneth the iugemẽt of god, & becau
ſe he may eſtablyſhe his tyꝛanny
he defendeth wycked opynyons, &
ſo the lerned and the Godlye man
weꝛthy the fyꝛſt rome is detrudet

Vnlear
ned byſ
ſhop.

and

and put to the lowest office, That
is to the procuracio of the rentes, marius.
wherto he is nothynge apte, then Catus
is all tharmony of the churche co lus.
founded. Thus yf Marious do the
gouerne at holme the comen wele
and Catulus be sent to warre a-
gaynst the cymbrokes, the cō men
wele in both places shall be in io-
berdy, for Marius was a luckye
warrior, but at holme he dyd tro-
ble the cōmen wele, cōtrary wyse,
Catulus was apte and mete to re
tayne & kepe the tranquilite & pea
ce of the cytie. In feates of warre
he was nothynge so happy, So a
pynce, the rome and the office of
a chaunceler, wyll cō mit rather to
a wise man therto a yong & impe a famely
rite & a folisshe perso or such other, ly.
so in a famyly is to be seen: what
is cōuenient for euery perso finally

in euery priuate & publyce lyfe we ought to vnderſtōd ỹ degres of be lynes & wittes, & in euery thing to animaduert & take hede their pecu lyar vertue to conſyder the mery= tes, the wyttes, the maners of other, that we may ſet euery man in his degre and place and moche to be lamēted that men vnworthy wolde accepte offices or romes of the cōmen wele. This Juſtice is the chife conſeruatrix of commen weles & priuate cuſtomes. Ther= Plato. fore Plato ryght wyſely ſayth, the beſt ſtate of the cōmen welle to be yf it be conſtytute & ordayned be a proporcion geometricall, and tru ly he addith this proporcion in pu blyce thinges to be the benefyt of god. Eaſely therfore may it be iud ged wher iuſtice diſtributiue hath vſe, as who ſayth euerywhere. In or=

ordeynynge degres of perſons, in
choſynge magiſtrates, in empie-
ris, in exercitutis famelis (as it is
ſayd) in euery cõuerſacion. Thoſe
knowleges be called lawes, wher-
fore it is to be ſought what the la-
we is. The lawe is deuyded, in the
law of nature, & the lawe poſityue.
The lawe of nature doth properly
ſignify natural knolege, ỹ firſt law
of nature ſhall be, ỹ men ought to
knowe god & obey hym, thenaccor
ding to nature is procreaciõ & edu-
cacion of childzen. Therfore matri
mony or mariages be to be cõtrac
ted by certayne lawes, & vnlaufull
companyng with womẽ, be forbid
den, no man ought to be hurt, they
muſt be puniſhed that do parturbe
and trouble the cõmen tranquilite
Magiſtrates muſt be ordeined to
defend the cõmen tranquilite, it is

The lawe of nature.

Maryage.

Mageſtrates to obey.

therfore neceſſary to obey the mageſtrates, alſo ỹ tranquilite be kept, thyngs muſt be deuided, euery man muſt haue his own, truth muſt be worſhypped and moche made of, & bargens & couenauntes muſt be kept. This muſt be added, theſe natural knowleges be gods lawe, by cauſe they be diuinly indicted & gyuē to mēs myndes, therfore Paule calleth theſe lawes Rom. i. ỹ law of God, herbye eaſely maye by iudged what is the lawe of nature.

Mageſtrates.

Polytyue lawe

The polityue lawe is the ſentence of the mageſtrate, that addeth to the lawe of nature ſome circumſtaunce with a probable reaſon, as the law of nature doth teache theft to be punyſhed, thē the mageſtrate addeth a ſpice or a kynde as who ſaith ỹ maner of paynein ordeynyng wherof he doth folow

a pro

a probable reaſō, fearce and cruell wyttes muſt be coerſyd with hard bondes. Therfore the lawe politiue is properly a certayne determynacion of the lawe of nature to a ſuer and certayne meane or maner for ſome circumſtauuces. Politye lawe

¶ Whether it is a dedly ſynne to violate the lawes ciuill, that is the edictes of ciuill Magiſtrates.

FYrſt of all therfore, it is a dedly ſynne to vyolate the Cyuyll lawes, or the edictꝭ of ciuill Magiſtrates/though it be without the caſe of ſlaūder, for Paule clearly ſayth it is neceſſarye to obey, not onelye for wrath but alſo for conſcience, that is we ought not to fere onely

the ciuill peyne but alſo we ought
to knowe our conſcience to be gyl
ty, yf we do not obey. Now it is ỹ
parte of a good mynde to conſyder
howe moche this kynde of obedy=
ence and publice trãquilite is, wh;i
che god alſo doth require that we
obey the lawes & Magiſtrates, &
he layth ỹ he wilbe auẽgeler if we
do not obey, & truely for the ſame,
god doth puniſhe alwel in this life
as after this lyfe, as the fourth pre
cept of peyns doth alſo ſpeake. &c.
For that precept of obedience doth
cõmaunde that not onely our pa=
rentes, but all thoſe whõ our Fa=
thers or parentes do gyue aucto=
rite to, that is to the magiſtrates
we do obey. Therfore alſo many o
ther ſentenſes in ſcryptures do cõ
ſtionate of giuing peyns in this
lyfe, as. Prouerbiorũ, xxiiij. Iere

To o=
bey the
lawes.

Obedy=
ence.

god

god and the kyng, & with sedicius persons kepe no cõpany, for shortly shall come theyr perishement, & Christ sayth he that wyll take the swoorde, shal perishe be the swoorde.

¶ To take the swoorde.

TO take the swoorde do the sygnyfy to take ỹ swoorde not geuyn of the lawes and magestrates, that is to be sedicius and not to obey to the present magestrates, & not only examples proponed in holy leters, but also thystoires of altymes do wytnes that frõ aboue be retarcted ī this lyfe to peynys for the most part homycides, theues, periured persons vniust iudges sedycius, and tyrannes, I speke this because God requireth that with the fere of pey

Fere of payne.

nes, mē ſchuld be coercid, & this fere doth noriſche reuerence to lawes & maketh in our myndes a vertue, & makith it accuſtomed to obediēce, gods law doth not deceiue, which ſaith honor thy father & mother if ỹ wilt be long liuing vpō ỹ earth.

Edictes of Magiſtrates.

This ſētence of the dictes of magiſtrat̄ ought wiſely to be vnderſtōd as who ſayth of thoſe edictes ỹ cō maūdeth not to do againſt gods cō maūdemētes, it is therfore profytable both to diſcipline & to ỹ tranquilite of ỹ cōmē wele, ſo to a cuſtome our myndes ỹ alſo in ſmal thi ges we make moch of ỹ auctorite of lawes, furder alſo we muſt know wethat we do not liue to our ſelfes but to ỹ cōmē wele, we ought therfore take hede & be ware ỹ our exā ples do not hurt in cōmyn, ỹ ſame very thing doth plato ſpeke ryght

The beſt citeſme.

gra

grauely of. In ỹ firſt delegibꝰ, hetꝭ be ỹ beſt & chiefeſt citeſen ỹ taketh the chiefe glozi to be in the citie, not triſiphes, not any victozies, but to ouercome other by religẽce in obe yng the lawes. A ciuil mageſtrate be deuine auctozite hath auctozite to make honeſt & pꝛofitable lawes fozthoſe thyngeſ that to & fozthe deſẽce of cozpozallyke, & ciuill ſocie ete, do pertaine, as of iudgement, of paynes, of fautes, of cõtractes, of ſucceſſions, & of lyke thinges. As Salamõ ſaith by me kinges doth reigne & do make laufull thinges. The ſecond reaſõ, ỹ lawes ciuile bõdes of cõmyn ſocietẽ, wherfoze in biolatig of thẽ alway chaũte is hutt, harmed oz bzokẽ, becauſe ỹ every mã ought to cõſer there obe diẽce, there tributes, there woꝛkig to ỹ deſẽce of cõmen tranquilite.

A ciuill Magiſtrate.

Cõmen tranquilite.

The

A Lyttell noſegay.

¶ The power of mageſtrates.

THE power of mageſtrates is not infinite but incluſled with ſuer and perfyt lymytes foꝛ Mageſtrates haue not auctoꝛytie to byde oꝛ cõmaund anythyng contrary to the lawe of nature cõtrary to the cõmaundement of god, & cõtrary to the lawes of hys realme. The mageſtrate ſuſteyneth hys pꝛocuracion of an other as who ſayth cõmaũded of god, he ought not therfoꝛe depart oꝛ go fro gods cõmaũdement. As alſo the ryghte good king Joſaphat the pꝛeacher ſaith ye exerſice not ỹ iudgemẽt of mã but of god what ſo euer you ſhall iuge, ſhal redound to your ſelf, let the fere of god be wt you, ſecondarely

Kynge Joſaphat.

relye lyens the mageſtrate is the keper of the firſt table which doth pertayne to extreme diſcipline, he ought to prohybyte and ponyſhe blaſphemes, vdollytryes, & falſe dogamtes or learnynges, & to prouyde & ſe that Godlye doctryne be propaged & extended, & to defende them that teache ryghtly. All mageſtrates alſo ought to obtempe rate & obey the ſeconde precept of the decaloge and to be the kepers therof. The ſecõd precept doth forbyd & ponyſhe blaſphemes & falſe doctrynes, then al mageſtrates ought to prohybyt & ponyſhe blaſphemes. The ſecond reaſõ is cũpt of the chyfe fyne of Mageſtrates. The chyfe fyne of mans ſocietie is that of men ſome may teache the other of god, that ỹ notice of God may be propaged. The mageſtra

The fe, are of God to be with Judges

The chyfe fyne of mans ſocietie.

te

te is the chefe custos & keper of locie
et e, thē he ought also to be custos
of this tāe, ỹ is ỹ gods knowlege
may ryghtly be ꝓpaged & shewid
abrode, ỹ conlegent doth folow of
the rule ỹ is euery thing for ỹ wht
chei it is such ỹ is more lich, the ma
gestrate dothe kepe societe for the
knowlege of god thē ỹ magestrat
ought to kepe the knolege of God
lomoch as pertayneth to his offi-
ce. Yf to this ymage we do conser
kynges & ꝓnces, we shal fynde be
ryfewe that loketh for this kynde, &
that woyll contend for it, many wt
great vehemency haue don the cō
trary, who by al maner of mischif
haue cōtaminated & decayed re-
ligiō, as though for therfo doyng
thei shuld haue kingdomes, becau
se they dyd kepe battell w̄ god as
the giantes did in fables. The ho

ly

ly kynges of Jury dyd aboliſhe vn godly & wycked worſhippynges, & therfore they be prayſed & garnyſhid w̄ great rewardes & giftes. & god ſayth I wyll glorify thē that glorify me. And the law in deutho romy cōmaūdeth that kynges do hold & kepe in theyr hād a boke of the lawe of god. Theſe exāples be cauſe thei dp ptaine to ỹ decaloge our mageſtrates alſo accordyng to their calling ought to imitate & ſo lowe thē. Nabygodonoſor, & da- rius alſo do prpone edictes, ỹ is, let nomā ſpeke blaſphemis againſt God of ỹ Iſraellites, but there ma nything, many men, wyll obiecte, firſt ſayth in ỹ mind, a mageſtrate cannot touche his mind, therfor ỹ mageſtrat ought not to puniſhe ỹ errours of ỹ mind, an anſwer, the mageſtrat doth puniſhe errours, onely

Ungodly worſhyppyng.

Nabygodonoſor and darius.

onely of the mynde but to the extreme & bitter profession & blasphemes, for the magestrate ought to defende extreme discipline and pedagogie. Secondarely it is obiected. The magestrate cannot Iudge but those thinges of the which he hath lawes, and he hath lawes onely of prophane busynes therfore he cannot iudge the contrauersys of relygion, the minor is to be denyed, for the magestrate hath a lawe to punyshe blasphemes as the lawes of all maner of people do punyshe periuries, but because it is not alwayes knowen what opynyons be blasphemous or impius, therfore there ought to go before another Iudgement, as who sayth a congnicion of doctryne.

Cognicion of doctryne

IT, is doth not onelye pertayne to a magestrate but to the church

that

that is not onely to Prieſtes, but
alſo to lay perſons apte and mete
to iugde. as Paule ſayth, yf it ſhal
be reueled to hym that ſytteth, let ȳ
former holde his peace. And chriſt
wyll that the chiefe Iudgement be
the iudgement of the church wher
he ſayth, ſay or tell it to the church.

Of Rygore of the lawe, and Equite.

They call that the Rygore of the lawe, when
the lawes be diſcretely and ſeuerely bet Rygore of the lawe.
with out mitigation
of any circūſtaunce, cōmonly they
call it in latin, ſtrictum ius, equite Equite.
of the lawe is a mitigation of the
lawe in ſome circūſtaunce, not yet
doth approue and alowe the treſ-

pas or offẽce, but mekly sometime, because of some circũstance, it doth ponish, as bohẽ a iuge mekly doth ponish a man, ỹ hath offẽded, whi che semeth to be of an hollome & a good wyt, equite doth apere at lar ge in euery place or in terpretacio of lawes, for ther is no law, which in al cases may be obserued & kept by equal seuerite wout eqte, ther fore equite ought to be ỹ interpre tor of all lawes, that wher nede is, they may be bowed & turned to ỹ gẽtler sẽtẽce, & therfore a rule is to be holden & kept, as oftẽ as diuers Lawes so romme together, ỹ they cãnot be kept together, ỹ supirior law is to be preferred, as chrift did touche the lipor son ỹ saboth day, he therby did biolat ỹ saboth day, becanle dyuers lawes dyd runne together, he did both prefarre and

alls

alſo reache the ſuperiour lawe to be
preferred for the ſuperiour lawe is
that the teſtimonies of Doctryne
ſhuld be ſhewed, & that loue ſhuld
be preferred before ceremonies, ac
cordyng to that ſayeng, I wyll ra
ther marcy then ſacrifice. Therfo
re he douteth not to touche the le-
pors, re he helith thē in the ſaboth
day. Thus the lawe doth wiſely for
bid ſeruile workes, ꝙ is aſſiduus la
bor taken or done for cauſe of lucre
and not for cauſe of office, then it
forbiddeth not lode offices neceſſa
ry to ſaue men, much les it forbid-
deth the teſtimonies of gods word
de, & the miracles which be ꝙ wor
kes of god, there be iudgementes
ſufficient of examples of al times.
¶ Manlius Torquatus dyd exer-
cyſe in his ſone the rygore and ex-
tremite of the lawe because he did

Manly-
us for-
quatus.

fyght contrary to the emperours cõmaundement, he dyd bed hym.

Papirius. Contrary wyse is equite or epicia/papirius dictatour, who when he had accused Fabius, Marcus, Equitus, of treason. Yet the people entreatynge & makyng petition for hym, was forgyuen. In the digest, at pompius lawe of parricides.

Heraclides. The Emperoure Adryan, hym, who had kylled his Sone, because he had adulterated his Stepmothe, commaunded so to be brought tẽ forthe, that with the extremyte of the Lawe the preuye murther myght the more hardely be auenged, but he did adhibit tot he counseyll a circũstaunce, as who sayth the very dolour and sorowe of his father. At Gellius the. xiiii. Boke and the. bii. Chapter, the Areopagytes delyuered a woman Smyrneam

Areopagites.

neam that had kylled her Sonne and her Husbande be poysoning, who had fyrst kylled the womans Sonne that was borne in the former Maryage, gaue sentence because the cause should be knowen agayne an hundreth yeares after, that thus they neyther do alowe the cruell mischyfes dyd, and yet they forgyue the payne, because of the very dolour and sorowe of the Mother, lyke Equite, the Goddes be fayned to vse in remyttynge. Mars and Orestes, for they forgaue the payne, for the very iust and ryght dolour. because Mars had bëged the iuge of his doughter, &, Orestes his fathers death. These thynges wyse men dyd fayne, because it should be sygnyfyed, mitigacion of the pleasé God, done for approbable cause. Thus comtynne

Mitegacion of payne.

ges do lose and reuyt them that defend them selfes by violence a-gaynst violence, although a lytell they exced ỹ measure of thre blameles tutele & defence, And thus Cato dyd lose milo by his sentẽce because clodius did begyn ỹ fyghtyng, hetherto of the extremite of the law that begynneth noe of ca lumpnius interpretacion, but is the very sentence of the law, as in the cause of Manlius or Milo, yet that very law where circũstaunce requireth mitigatiõ, not for cause of example hath no nede of seuertie is made iniury. Therfore it is sayd. Summum ius summa iniuria. The extremite of the law is an extreme iniurye. There is an other certeyne maner of mocking or exacerbatyng the lawe, as who sayth calũnia, i. calũny whyche properly

Extreme iniury.

is

tgnot called the rigoze oz extreme rte of the Lawe, but rather dothe fyght with the lawe, it is interpꝛe tated a lawe with some sopisticall cauillation, they call it a begilyng oz dereyuyng of the Lawe, as yf a man taketh peace foz. xxx. dayes, and in the nyght distroyeth his e= nemyes shyldes. Also the legate of rome that compacted with antio chus, that the therde parte of his naues shulde be left vnto hym, he did cut al his ships in ꝯ middest be cause he wold spoyle him of ꝯ whole nauy, whē the tirans had domi= nion of. xxx. Athens, the lawe was that none of them that were writ ten in the cataloge shuld be kylled, there was in this nombꝛe written Iheramenes Collega, when that critias hadde constytuted to kylle hym, he commaunded his name

Colour ye. A.

Antio chus.

Athens.

Iheram menes. Collega Critias

to be put, of this maner of kindes not onelye hystoryes gyueth to vs examples but also dayly vse.

Calumpniation in the lernyng of religion

¶ But in a maner there is more calumpniation in the lernyng of religion then in other busynes, dictes and and sayenges of the Lawe be craftily wrested, and some be exaggerated without measure, and be paynted with a contrayue colour, some be abiected and deformed, and all these be taken for the labo be and prayse of wyt.

¶ Howe equite, and a meane ought be hadde in dare doynges.

Equite

IYe se of all therfore playne truth is to be loued, and the equite is to be added to publike iustice, & that priuatly, wher as

as probable & honest reason doth
moderation, and this mo-
deration doth the most preuayle in
wycked and noughty persons.

¶ As the equite of Fraltibulus dyd
restore the Athens, who when he
perceyued that without newe besi
nes, the possession that was taken
away coud not be restored to ther
olde masters, he made a lawe, that
euery man shulde retayne that he
had and they which had sustained
iniurye for the publyke peoples sake
shuld depart frotheyr owne right.
This equite also is marueilous ne
cessarye to retayne toncorde in a
priuate lyfe.

Fraltibulus.

Defen
mer rebs
racte.

¶ Yea equite also doth mitigate
diuine lawes, so that it maye be
not harshly done Dauid did eate
holy loues, he knewe an epicye to
be adhibite and gyuen to ceremo

Dauid.

Ceremonyakles. nies, because he knewe the politycal maners to be instituted, not because thei should iustify before god, but because ỹ people should be exercised by that discipline, & therfore he iuged those customes to geue place to loue in necessitie, where, without slaunder & parell of discipyne, thei cannot be violated, according to the sentence I wyl rather, and more delyte mercy then sacrifice.

Ezechias. There is a verye apte example of Epicreys in the story of Ezechias, when that in the celebracion of ſeaſte many were not fyrſt purged of there vsual ceremonies, Ezechias for all that dyd not cõmaunde them to abſtayne from ſleſhe, but he prayeth for them letting alone the ceremonis of purgacion, he vnderſtandeth prayer to be the chyefe purgacion and better then

Prayers. the

the ceremonyall.

¶ The Machabeiis dyd fyght on the saboth day, whē theyr enemyes made a sawt on them, they knewe be the lawe of the saboth day that bolumtary beliues where forbidden, but defence, for the cōseruacion of the cōmen wele, of religion maried persons, chyldren and such other, was not to be forbidden, for this is the chyfe office of Loue. The Machabeis. The saboth daye.

Thus often tymes Epicure is necessarye to Chrystian people in the vse of ceremonyalles.

¶ Paule saith that he kept among the Jues the customes and fashions of the Jues, among the gentiles he vsed no Jues fashions, and yet he addeth a Super your Lawe wherby he measure these offyces, as who sayth, because he would bone them all.

¶ The

The superiour Lawe.

¶ The superiour lawe, is to gyue our diligence, that the glory of the Euangelyll may be made gaye & garuyshed, fynally the Euangelist is ỹ maruelus epicey of gods lawe, when he approueth obedience (although vnperfit) because of christ.

¶ Whether a iuge ought to iuge according to equite or according to the polytyue lawe called the Lawe wrytten.

IT is better, be the opinion of Aristotle in the thirde of the polytykes to iuge thynges or causes by the polytyue lawe, because that vncertayne opinions lyghtly bryngeth forth, & engendreth discordes of cityzens, where as no wrytten Lawe is, there be vncertayne opiny

The Lawe wrytten.

opynyons or elles contrarye, for it
maye oftentimes fortune, that to
other iudges another thyng may
beseme & thought, also the wryt
ten lawe doth good, because it cor
ceyth the affeccions of Iudges, he
that cõmaundeth the Lawe to be
aboue God, he geuyth also to the
lawes an empyer, he ỹ cõmaun=
deth a mã to be prefarred, prefar=
reth best for couetousnes & anger,
or dysyleasure deprayeth also the
best mẽ: The lawe is ymyned with
out coeutousnes, what nedeth in
so manyfolde a thyng, many argu
mentes. There is no lawe pryncí=
pally made of this case, if a mã in
great necessite taketh away mete=
tes, or elles be course of age doth he
offend, sience this case is by some
meanes not lyke that maner of
kinde, wherof pryncipally the lawe

doth

doth loeke / here now equite hath
Homici- place, to the law to put homicides
des. to deth, is made principall of mur
ther, constituted & petulantly don.
Patrocl- Patroclus be chaffe in play kil
cius. led his felow, here the diffimilitud
of cases requireth some mitigacio
The sa- of payne. The constitution of the
both daye. saboth day doth principally forbid
worckynges, that pluckеth fro pu-
blike ceremonies. Then yf labors
be done, which do not abduce fro
ceremonies, do neither let nor hur
te the example, the case is vnlyke
therfore equite iudgeth suche do-
Tradi- cions. ynges not to be forbidde. The cle-
siasticall tradicions were fyrst or-
deyned & made, principally that
thinges should be don in order, since
that puplically it is couenient for
the Churche, therfore equite dyd
Iudge tradicions without lawte

or

or blame to be violated, where as the publyke order was not diſſipated. This diſtinction doth shewe where equite hath place / as who saythe in a case wherof the Lawe wrytten do not principally speake, ¶ Therfore Aristotle sayth, that the auctoryte of Judges ought to be gyuen to lawes that they may moderate them, as Phyſytions do moderate Pharmacum. And in the fyrſte of Etheres, he sayth that Lawes be to be conſtitude of that whiche most ofte vsed hauneth or happeneth, but yf any any circumſtaunce letteth or chaungeth the cause, there is commaunded Equite to be Counſeylled with. ¶ Therfore he sayth the Lawe is as lesbia, That is to saye, a leady or a heapye Rule / whiche is to be Moderated / and apply-

Trauerſius.

Equite hath place.

Lawes wrytten

pharmacum.

wherof Lawes ought to be mad-

to

to the verytie of causes. In those cases therfore of the which the lawe principally doth speke is in no wise to depart fro the lawe writen. For the very lawe writen, the maker of the lawe, hath Judged to be Just and Equall. And that they do call wrytten equite.

¶ When Ygnorance excuseth offence.

Ygnorance is of .ij. maner of sortes, that is of the lawe, that other of dede Ygnorãce of the dead and not of the Lawe doth excuse, but to this sententente, is an interpretation to be added. For alwaye Ygnorraunce of the deade do not excuse, and yet the Ygnorraunce of the

Ygnorraunce of dede.

lawe

Lawe is to be discerned. Therfore fyrst of al in Ciuill controuerses is to be knowen, that no man of parfyte mynde, that is of that age, that can Judge, is to be excused of Ygnorauncе of naturall lawe. Therfore Aristotle sayth eit is to be excused / yf men do erre in the Lawes. That is in the Polytyue Lawe / but not to be excused yf a man in that law do offend, which he calleth the fyrst lawe that is in the Lawe of nature. To that bery entent, the Ygnorauncе of Goddes Lawe do not excuse. For the Lawe morall is that bery Lawe that nature hath gyuen to vs, and the gospel of Christ is sparsed and spryngyled throughe oute all the worlde, and cõmaundemente geuen to all persons that they heare Christ, accordyng to that sayenge

Ygnorãce of naturall Lawe

here is my welbeloued sõe, here hi-
therfor crist, although he ꝓponith
diuersite betwene thẽ ꝑ kno & do
not kno ꝑ he doth not vtterly dei-
uer thẽ ꝑ kno not, wherẽ he saith, he
ꝑ knowith ꝑ will of his master &
doth it not, shalbe ꝑmor punished,
yet he ꝑ knowith not, doing thig
worthy paine shalbe les punished it
is cõmẽly said, Cãcta rusticitas. i. ho
li rusticite as who saith a plane mã
of ꝑ coũtre, he thinketh no hurt, by
this mãer of saying many excuseth
their folly or folichnes, as who saith
it is a pity or a godlines not to kno
thauẽgelist, but eralm⁹ truly & gra
uely repꝓuẽdeth ꝑ saiing & saith ꝑ no
mã cã be a christẽ mã but ꝑ he kno
mani thing⁹ for ꝑ euãgelist is a cer
tẽ excellẽt wisdõ which no mã ẅ
out gret cure meditacio, colacio & le
rnig & cõmunicacio ẅ learned mẽ,

both

Euange
list.

doth obtaine, & peter doth cõmaũd and byd vs to be redy to render our accõpte, lecõdarly, nether ỹ affectated ignorãce of mãs politiue law, nor ỹ ignorãce of ỹ dede doth excuſe, Affectated ignorãce, is of ỹ thig which euery mã as wel of ỹ law as of ỹ dede is boũd to know this ỹ ignorãce doth aristotle elegãtly ſpeke, of saying, ignorãce which any mã willingly doth accuſe do not excuſe, but is a puerlite, & so is vniuerſall ignorãce ỹ is whẽ we kno no thig at al of thos thing which we ought to do, & after he addith ỹ a iug ought to punith ỹ ignorãce, if a mã be to hiſelf cauſe of ignorãce, & thỹ ignorãce of law doth not excuſe a iuge which is boũd to kno be vertue of his office, nor affectated ignorãce of a mã sown pper dede, as if a mã vsig i poſſeſſiõ of any

Affectated ignorãnce.

Ygnorãnce.

thyng do not know, whether that thynge be leyde to pledge to hym, or gyuen A litigator or a sutor in the lawe. Ygnorannce of lawe do not excuse, as Cienola layde, it is a fowle thynge for a noble man and cõmyng to his causes or to suyte, not to knowe the lawe wherin he is tolled or suyde, but from this degre be wont to be except, women and sogeris to whom the error of the lawe is pardoned. The thyrde is a probable Ygnorannce of dede eyther of his owen, or of an other mans which hath an excusacion. Cienola.

As the syster of Jacobes wyfe, was gyuen to hym, and he knewe it not, suche is the Ygnorannce, wherof Paule doth speke, he is forgotten that knoweth not for he erreth excusably, because it is a curiosyte to interrogate or aske those thyn Syster of Jacobes wyfe.

thynges that pertayne not to our purpose / it is therfore excusable / where only ygnorance of the fautt is the cause, but wher not ygnorance, but our couetousnesis the cause of the fawte there ygnorance doth not excuse, as dronken persons to offende. &c.

¶ Voluntarye offences.

VOluntarye offences be tho, in the which both counseill is gyuen and free wyll, not voluntary offences be tho, when counseyll is not adhybyt or wyll by violence is forbydden. or els is ouer throwen, and lyeth in a thing vnpossible. ¶ Not Voluntarye and vyolent, ought to be vnderstond one thyng

Not voluntare

wyhich as arestotle saith hath ther beginnig extrinsecally or outwardely, wyll may cohybyt affections and many hurtes purposed, wyll may prefar one before another for as true vertue is then, when iudgement & fre wil be adhybit, so the chife degreis of delictes or fautes when a man doth offend both consultly & with fre wyll. The other degres be somtyme more lyghte, as when eyther wyll is impydited or iugement is not giuen, & frō hence doth spring .v. degrees, wyhich in fautes & iniuries we must cōsyder, the iuge, deceyt, open, faut lyght offence, lyghtest & soden chaunce. Dole or deceit hath no excuse open, faut or blame is neibour to deceit as whē affecrated ygnorance is delicted, for this is not vnwyllyng, but it is very malis, as aristotle sayth a

Dole or deceyte.

lyght

light faut & lightest hath the more excuse, for here wil doth not come to do a mysse & although deligence is desired, yet ther is none affected neclygence in such fautes. So Wooden chaunce hath an excuse for neither the mynde neyther the wyll, doth truly offend, as adrastus going to kyll a wylde bore, kylled cresslone, or yf a man calleth doume fro the top of an house, a tile into a place where as no body is wont to be occupied or to walke, & by chaunce hurteth or kylleth one. That is therfore to be obserued, & all these degrees do spryng & come, either of the error of iugement or by some impediment of the wyll, Wolun tarys be properly called those, in the whiche do concure Counseyll, and fre wyll/ many Questyons be her to be sturred and moued whether

Wooden chaunce Adrastus.

Wolun tarys.

a Chriſtian mā may laufully repel
byolence be byolence, and how he
maye do it / whether dyuyſyon of
thynges be laufull for Chriſtian
men, whether it be laufull to ma-
kewarre or kepe battell. The E-
uangelyſt do not abholitte, econo-
my or polacy, but doth greatly ap
proue them, wherfore the vſe of al
thynges polyticall is graunted to
Chriſtian men, with the vſe of de-
uiſyon of thynges, Judgementes,
battelles, and ſuche other.

¶ Whether it is lefull for pri-
uat perſons to kyll tyrantes,
that is cruell offecers.

IF a tyrane be a priuate man
inuadyng the Empyre by ſe
dycion and rather, then the Em-
pyre ſhuld be deſtroyed they whi-
che

the with lawfull Magestates do agre may pryuatly kyll hym, as a thefe, yf he be taken in the faute or dede, that is doyng or worckyng any thyng, flurrynge the people or makyng aflaute on any persons. Thus any priuate parson lawfully myght kyll Catylyne, sedycyous ones flurred, euen also as Fului⁹ dyd kyll his sone taken agayne after he fled away, and the lawes do agre, that a man may kyll his father, that hath cõmitted agaynst the cõmen wele. Secondarely if a tyrane be in a magestracy, auctorite or office. and Cruelly and notoriously doth iniury to the subiectes, defence is graunted to them/ incontinently as well in priuat perell, as in a belynes towchynge or pertaynyng to the cõmen wele, as in the hystorye of the Heluetions,

Catilis ne fulu⁹

Heluet ons.

magſtrates cõmaũded the citelyn to pꝛoducke his ſone, and a darte to be directed to him of his father caſtyng it, alſo the tribune of ſogiers in the hoſte of Caius Marius was killed of a yong man, to whõ the tribune was doynge hurt and violence, and the lawes in the pandictes do agre to kyll the conſulle that was taken in adultery. And in lyke caſe yf any be made enemyes, they be laufully excuſed although they incõtinẽtly, theꝛ auenge theiꝛ notoꝛius iniuries, as harpag⁹ accuſed Ciꝛius agayuſt Aſtiagen, who gaue to hym his Sone to be eaten.

Harpagus Ciꝛius.

Also when the Tyꝛane dyd commaunde Unicencias a Certayne Cytyzen, that he ſhoulde ſende to hym his Doughter, which he to do after ỹ Citizen had refuſed, the tyrane

Unicencias.

tane sendeth his Seruaunt, who be violence brought here away in the morning beyng rauished and deflowred, he sendeth here agayn and cut in.ij.

¶ The father after he had delybe rate the matter with his frendes sendeth the deade body beynge so cut, to the senate benecius/ and to hym promiseth dedicion of the cy- te, thus the Tyrane is ouercomed, to ti, is, Cytyzen, un a natozius iniu- ry and so cruell at all tymes is lau full foz a man to be made an ene- my to a tirau nt be the lawe of the people. Thyrdly, yf ỹ iniury be not notozius ryghtly do the lerned mẽ in the lawe say, that the not doyn ge of iustice of ỹ magestrat, ought to be tollerated & suffred, because the auctozite of thynges Judged may remayne, foz pziuat persons ought

Dedicion.

Not no tozius.

ought not to diſſolue the ſtate of
the cõmen wele, nor to inuade em
piers, according to that ſayeng, he
that reſiſteth a mageſtrat reſiſteth
Gods ordenaũce, wherfore Caius
Caius Cesar is not laufully kylled, who
Cesar becauſe I wyll not ſpeake of the
cauſe of battell, yet he occupied a
mageſtracie & that gyuen to hym
be the lawes and cõſent of the peo
ple, neyther he toke awaye fro the
cõmen wele lawes nor iudgemen
tes, he made no ſlaughter in the
citie as other conquerours of Cy-
uill wars dyd, neyther he dyd any
notoryus or cruell iniuries to the
Cytizins preuely or openly, but he
reſtored the enemys reuocated to
there olde & priſtin dygnyte, wher
fore it was vnlaufull for him to be
kylled. for as I haue ſayde before,
iniuries not notorius ought to be
for

forgyuen to magestrates, as Ja- Jason
son Phereus sayth, that he which Phereus
in a lume doth loke to Justice, do
admit in the meane whyle many
vnlaufull thynges in lyghter mat
ters, which oughte to be forgyuen
to hym, that defendeth the cheffest
and chife parte of the Empiere &
conserueth the forme and shape of
the commen wele, Judgementes
and Lawes.

For a magestrat is as the bery
lawe for the lawe doth not cō
maunde onely of defencion of the
body or thinges, but it cōmaūdeth
fyrst of the glory of god and dyscy-
plyne, as Paule sayth the lawe is
ordeined to coarcte & punyshe vn-
iust persons and blasphemors.
¶ Therfore we oughte to thynke
the magestrat and the lawe to be
felo

The ma
gestrate
and the
lawe be
felowes

kelowes one or equal. and the prin
cipall fyne or cõclusiõ of the mage
ſtrat to be the conſernuacion and
kepyng of the lawe. ꝛc. The mage
ſtrat which bereth ẏ ſworde ought
to prohibit alſo hereſes. i. wycked
& vngodly techinges & punyſhe he
retykes, that is auctors of euyll &
wycked techynges, but in obſcure
thynges the cognicion of the thyn
che goeth before, & thus properly
the mageſtrat ſeruith the glory of
god, & his fũction is ẏ worſchyppin
ge of god whẽ he ſtudieth to deſẽd
to propage & ornate true lernyng
& cõtrary wele to prohibit wicked
teachynges, whe that doth thus
doth he his principall office whiche
properly perteineth to the glory of
God / whiche properly deſerueth
that title wherwith mageſtrates
be to garnyſched in the ſalme. I

The ma
geſtrat
ds pun
nyſhe he
retykes.

layd

sayd ye be Gods, as who sayth be cause they haue their office deuinly constituted & ordenid. And they ought to gyue to men deuine thinges, relygyon, Justice, dysciplyne peace and suche other.

Magistrates be Nurses to the churche.

¶ And for this cause they be called of Esaias: Nurses of the churche because they ought to norysshe and to defende Godly teachers.

¶ And they ought not to exercyse cruelnes on Christian men nor lawes contrary to deuine or natural ought not to be obserued.

The ecclesiastical power.

¶ The Ecclesiastical power / is the deuine commaundement / in teachyng the Gospell administra the Sacramentes / ordaynynge the mynysters of the Gospell annuncyatynge remyssyon of Synnes to Euerye bodye / or to many Constytutynge Judgemedtes of doctrines

doctrynes. And choſe that be con-
uerſaunt in manyfeſt delictes: to
excomunicate by the worde with
out corporall ſtrength, here therfo
re briuely I do anſwere of Bonifa
cis conſtitucion that be the diuine
lawe the Apoſtels or theyr ſucceſ-
ſors haue not the ſworde, that is a
right to coract by corporal ſtrēgth
for they neyther haue ryght to oc-
cupy nor to cōfarre kyngdomes of
the world, manyteſtimonies may
be gathered heare of the Euange-
lyſt. Chriſt ſayth my kyngdome is
not of this world, alſo the kynges
of the gentyles haue dominion of
them, but you haue not ſo, he diſer
neth heare .ii. powers. He graun-
teth to kynges that they bere the
rule and dominion, he graunteth
not to the apoſtles that they haue
dominiō or bere rule, that is that
they

The cō-
ſtitucio
of boni-
facij.

theyhaue dominion, or bece ruse/ that is / that they vse corporall strength because of theyr Wynysstery. And Paule sayth the weapons of our warrynge be not carnall. Chrisostome in the seconde Oracion of the dygnyties of prisstes dyscerneth Magestrates to be Prophane and Epystopall.

The weapons of the eccle siastiall power.

¶ To the Prophane Magestrates he gyueth ryght to coarcte by corporall strengthe. But he denyeth Bysshoppes to haue that power. But as to other Chrisstians so also to Bysshoppes or Pastors of the Churche, is lefull to holde and kepe theyr owne ryches, and other gyftes, because these thynges be polytycallye graunted to Chrisstians, so it is laufull to Bysshoppes to holde & kepe theyr iurisdiccion gemen in suer gooddes,

Prophane magestrates and epystopall.

whiche is a Ciuill thynge, nothyn ge partaynyng to the proper offy= ce of a Bysshoppe. As the arte of weuyng in Paule dyd nothynge pertayne to the gyfte or office of a Postle, and yet Paule myghte he both a Postle and a weuer.

The churche co kepe there rych es.

¶ But let Bysshoppes take hede and se les because of theyr ryches they be abduced from the office of teachynge and gouernynge the Churche. and lokyng on the Doc= trine of theym one whome they haue Rule.

Ambro se.

¶ The Emperoure dyd cõmaun= de Ambrose that he shoulde gyue his Temple to the Arrians, but Ambrose dyd not obey, for it was not lefull to obey a commaunde= ment of wicked and vngodly thin ges, and the Emperoure oughte not to take awaye a lawfull ordē naunce

naunce from the Churche, nor to make a wycked teacher to beare the rule of the Churche. Ambroſe was laufully ordayned / and dyd teache well.

Laufull ordaynaunce.

¶ For a laufull ordenaunte dothe contayne a vocacion or eleccion whiche is made of the people or of them to whom the people dothe cõmit that thynge and the approbacion of ſome Biſchoppes. Further to Biſchoppes dothe partayne to conſtitute Judgementes of learnynges, and to conuocate ſynodes, as the olde conſtitucion was, that euery Biſchoppe, ſhoulde twyſe euery yere, haue ſynodes of theyr Churches, and the Apoſtles had theyr ſynodes, and when Paule Samoſathen dyd ſow wicked and vngodly teachynges the Biſchops next adioynynge came

Biſchoppes to haue twyſe euery yeare theyr ſynodes

together to Antioche, and the chur
che of Antioche adhybyted they
damned the Bysshop.

¶ But as it is sayde before in con
trauersis of lernyng Bysshoppes
ought not onely to Judge but me
te and apte men ought to be elec-
te and chosen of the whole body
of the Churche; because the chyfe
Judgement oughte to be of the
Churche, that is, not onely of Bys
shoppes. Therfore for this berye
cause that the aucthoryte of the
Churche is the bygger, when Bis
shoppes do not theyr office, ought
Emperoures and Kynges convo-
cate synodes, euen also as constan
tyne dyd cõmaunde certayne syno
des, and cõmaundeth that those
bysshe would not come to the sy-
nodes, shoulde haue taken from
them theyr Bysshoppryckes.

The sug-
gemente
oughte
to be of
the chur
che.

Empe-
roures &
kynges
oughte to
conuoca
te synod-
des.

¶ Thus

¶Thus farre I haue spoken of the deuersite of eyther power.
¶And although we haue dyllyn-quid the powers yet it may be ant-maduerted ỹ ỹ ciuill power ought to serue the churche because of discipline, euẽ as euery magestrate of an house is a minister & anexecuture of the church in his fame-ly. we ought all obey the mynyster of the worde, so the magestrate is the mynyster and executure of the Churche in the cõmen wele, and he also ought to obey the mynistery of the worde and that to worshyp as a deuyne thynge, accordynge to that sayeng open you your gates you pryn-ces. &c.

Euery ye maister of an house is a mynyster of ỹ churchys.

¶ Thus endeth the
Ciuill nolsgaye.

¶ Imprynted
by me Robart Wyer,
for Jhon
goodale.

THE END

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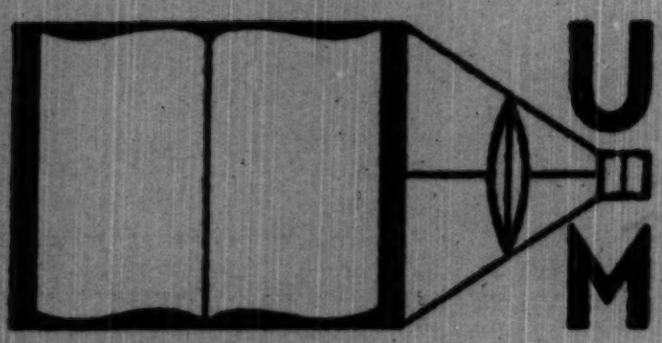

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